

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GINA GARZA,

Plaintiff,

v.

RYAN WILLIAMS,

Defendant.

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CIVIL ACTION NO. 4:23-cv-3509

JURY REQUESTED

DEFENDANT RYAN WILLIAMS' NOTICE OF REMOVAL

Defendant Ryan Williams, under 28 U.S.C. §§ 1441 and 1446, makes and files this Notice of Removal of an action pending in the 157th District Court of Harris County, Texas, Cause No. 2023-32248, and states as follows:

PRELIMINARY STATEMENT

1. This action belongs in the United States District Court for the Southern District of Texas, Houston Division, because all proper parties are of diverse citizenship and the amount in controversy exceeds \$75,000.00.

PROCEDURAL HISTORY

2. On May 24, 2023, Plaintiff, Gina Garza filed Plaintiff's Original Petition against Ryan Williams. This case is Cause No. 2023-32248, *Gina Garza v. Ryan Williams*, in the 157th Judicial District Court of Harris County, Texas.

3. In its Original Petition, Garza asserts allegations against Williams for negligence and negligence per se, due to personal injuries allegedly due to a motor vehicle accident. Garza also

made a demand for a jury in its Original Petition.¹ Garza served Williams with citation on August 24, 2023, via Certified Mail Return Receipt Requested to his address in Georgia. No return of service has been filed with District Clerk of Harris County at the time of this Removal.

4. Ryan Williams filed its Original Answer on September 6, 2023.²

5. Pursuant to 28 U.S.C. § 1446 and Local Rule CV-81, Williams attaches to this notice of removal the following: (1) All executed process in the case³; (2) a civil cover sheet; (3) the state court docket sheet⁴; (4) a true and correct copy of all pleadings that assert causes of action⁵; (5) all answers to such pleadings⁶; (6) a complete list of attorneys involved in the action being removed⁷; and (7) an index of the matters being filed⁸.

6. Written notice of the filing of this notice of removal is being filed with the 157th District Court of Harris County, Texas, and provided to Garza as required by the federal rules.

GROUND FOR REMOVAL

A. Diversity Jurisdiction Exists.

7. Removal to this Court is proper pursuant to 28 U.S.C. §§ 1441(a) and 1446 because this is a civil action over which the Southern District of Texas Federal District Courts have original jurisdiction. 28 U.S.C. § 1441(a) states that a civil case filed in state court may be removed to federal court if the case could have been originally brought in federal court.

¹ See Exhibit B

² See Exhibit B

³ None at this time.

⁴ See Exhibit A

⁵ See Exhibit B

⁶ *Id.*

⁷ See Exhibit C

⁸ See Exhibit D

8. Removal is proper to the Southern District of Texas, Houston Division, because it is the district and division embracing Harris County, Texas, where the state action is pending.⁹

9. This Court has original jurisdiction under 28 U.S.C. § 1332 due to diversity of citizenship. Federal district courts have original jurisdiction of all civil actions between (i) citizens of different states, as well as (ii) citizens of a state and citizens of a foreign state not lawfully admitted for permanent residence in the United States and domiciled in the same state, where the matter in controversy exceeds \$75,000.00, exclusive of interest and costs.¹⁰

10. From the time of filing to present, Garza is a citizen of Texas.

11. Williams is a citizen of Georgia.

12. Under 28 U.S.C. § 1332(a), the removing party must show that the amount in controversy exceeds \$75,000, exclusive of interest and costs¹¹. Garzia's Original Petition states, "Plaintiff seeks monetary relief over \$250,000.00...."¹² Therefore, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

B. Removal is Timely.

13. A notice of removal must be filed within thirty days after receipt by or service on the defendant of the initial pleading or summons.¹³ Williams files his Notice of Removal within thirty days of service of Garza's Original Petition. There is complete diversity entitling removal of this case to federal court.

⁹ 28 U.S.C. § 1441(a)

¹⁰ 28 U.S.C. § 1332(a)

¹¹ See *White v. FCI USA, Inc.* 319 F.3d 672, 675 (5th Cir. 2003) ("Normally, this burden is satisfied if the plaintiff claims a sum greater than the jurisdictional requirement.")

¹² Exhibit B at ¶3

¹³ 28 U.S.C. §1446(b)(2)(B).

CONCLUSION

Ryan Williams hereby removes this action to the United States District Court for the Southern District of Texas. The parties are completely diverse and the amount in controversy exceeds \$75,000.

Defendant Ryan Williams, hereby notices the removal of the above action now pending in the 157th District Court of Harris County, Texas.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT,
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document was sent to all known counsel of record pursuant to the Federal Rules of Civil Procedure on the 18th day of September 2023, via CMRRR.

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